

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-10106JLT

ZHANNA CHIZHIK, Administratrix  
of the Estate of Grigory Chizhik,  
Plaintiff,

v.

SEA HUNT, INC.,  
TROPICLAND MARINE AND TACKLE, INC.,  
And GREGORY ZILBERMAN,  
Defendants.

**JOINT STATEMENT OF THE PARTIES  
PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to United States District Court Local Rule 16.1(D), the parties propose the following schedule for the subject litigation:

**I. JOINT DISCOVERY PLAN AND FILING OF MOTIONS**

1. Discovery shall be completed by June 15, 2005.
2. All motions pursuant to Fed. R. Civ. P. 12, 15, 19 and 20 shall be filed no later than September 6, 2004.
3. Discovery shall commence on May 4, 2004. All requests for production of documents pursuant to Fed. R. Civ. P. 34 and all interrogatories propounded pursuant to Fed. R. Civ. P. 33 shall be served no later than January 7, 2005. All answers/responses to the written discovery indicated above shall be served no later than February 22, 2005.
4. All motions pursuant to Fed. R. Civ. P. 14 shall be filed by December 6, 2004.

5. All factual depositions (non-expert witnesses) shall be concluded no later than February 18, 2005.
6. The number of non-expert depositions that each defendant may take is limited to 15, exclusive of any Keeper of Records depositions and the number of non-expert depositions that plaintiff may take is limited to 10, exclusive of any Keeper of Records depositions.
7. Plaintiff shall identify her experts pursuant to Fed. R. Civ. P. 26(a)(2) on or before March 7, 2005.
8. Defendants shall identify their experts pursuant to Fed. R. Civ. P. 26(a)(2) on or before April 18, 2005.
9. The experts may be deposed. The depositions of the experts shall be taken in the area the expert has his place of business, unless otherwise agreed upon by the parties. Plaintiff's experts shall be deposed by April 15, 2005. Defendant's experts shall be deposed by May 30, 2005.
10. All discovery motions under Fed. R. Civ. P. 37 shall be filed on or before June 20, 2005.
11. All dispositive motions, including motions for summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed on or before July 20, 2005.
12. A final pretrial conference shall be scheduled by the Court on or some time following September 1, 2005.
13. The parties expect to be ready for trial by October 10, 2005.

## **II. TRIAL BEFORE A MAGISTRATE**

The parties do not agree to having this case tried before a magistrate at this time.

### III. CERTIFICATIONS

The parties' counsel have conferred with their clients as to establishing a budget or cost for the litigation and with respect to ADR programs. The parties will submit their Certificates pursuant to Local Rule 16.1(D)(3) separately.

Plaintiff,  
By her attorney,

Timothy M. Barouch  
David B. Kaplan, BBO #258540  
Timothy M. Barouch, BBO #644044.  
The Kaplan/Bond Group  
Boston Fisher Pier  
West Building, Suite 304  
Boston, MA 02210

Defendant,  
Gregory Zilberman  
By its attorneys,

Philip M. Hirshberg  
Lauren Motola-Davis, BBO # 638561  
Philip M. Hirshberg, BBO #567234  
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and

David C. Stadolnik  
David C. Stadolnik, BBO # 551052  
Smith & Brink, P.C.  
122 Quincy Shore Drive  
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Defendant,  
Tropicland, Inc.  
By its attorneys,

Marci J. Shyavitz  
David W. McGough, BBO # 553069  
Marci J. Shyavitz, BBO # 653151  
CORNELL & GOLLUB  
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Defendant,  
Sea Hunt, Inc.  
By its attorneys,

William P. Breen  
William P. Breen, Jr., BBO # 558768  
Murphy, Hesse, Toomey & Lehane, LLP  
300 Crown Colony Drive, Suite 410  
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CERTIFICATE OF SERVICE

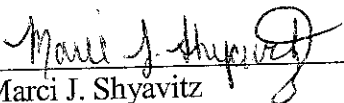
I, Marci J. Shyavitz, attorney for the defendant, Tropicland, Inc. hereby certify that on the 29th day of April, 2004, a true copy of the foregoing Joint Statement of the Parties Pursuant to Local Rule 16.1(D), was served by mail, postage prepaid, directed to:

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